REMARKS

In accordance with the foregoing, claims 1, 3, and 5-7 have been amended, and claim 2 has been canceled without prejudice or disclaimer. Claims 1, 3, 5-7, 10, 11, and 14-36 are pending, with claims 1, 14, 23, 25, 32, and 35 being independent. Claims 1, 3, 5-7, 10, 11 and are under consideration as being directed to the invention originally claimed, and claims 14-36 are withdrawn from consideration as being directed to an invention that is independent or distinct from the invention originally claimed. No new matter is presented in this Amendment.

Request for Indication Whether Replacement Sheets of Drawings Have Been Accepted

The Amendment of March 23, 2009, includes three replacement sheets of drawings containing FIGS. 6-8 and 16. However, item 10 on page 1 (the Office Action Summary) of the Office Action of July 23, 2009, does not indicate whether these replacement sheets of drawings have been accepted, and it is respectfully requested that the Examiner indicate this.

Request for Consideration of Reference Cited in Information Disclosure Statement of February 17, 2009

It is submitted that the Examiner was required to consider "S. Münz, 'Objekte einbinden,' article on http://de.selfhtml.org, October 27, 2001 (10 pages, in German, no English translation)" cited in the Information Disclosure Statement of February 17, 2009, in the Office Action of July 23, 2009, because the concise explanation of the relevance of this reference required by 37 CFR 1.98(a)(3) is provided by the Supplementary European Search Report cited in the Information Disclosure Statement of February 17, 2007, pursuant to MPEP 609.04(a)(III). Accordingly, it is respectfully requested that the Examiner indicate that Münz has been considered in the next Office Action.

Furthermore, attached hereto are a complete English translation of Münz and a List of References Cited by Applicant listing this reference as "S. Münz, 'Objekte einbinden,' article on http://de.selfhtml.org, October 27, 2001 (21 pages, English translation of German original)." It is respectfully requested that the English translation of Münz be considered.

Restriction Requirement

The Examiner has withdrawn claims 14-36 from consideration as being directed to an invention that is independent or distinct from the invention originally claimed, but has not performed the analysis required by MPEP 806 to establish that the invention originally claimed and the invention(s) recited in claims 14-36 are independent or distinct, and has not provided reasons for insisting upon restriction as required by MPEP 808, such that the restriction requirement is improper.

Furthermore, it is believed that claims 14-36 are so closely related to constructively elected claims 1, 3, 5-7, 10, and 11 that they should remain in the same application. Constructively elected claims 1, 3, 5-7, 10, and 11 are directed to a computer-readable storage medium for use in reproducing AV data in an interactive mode using a markup document, and claims 14-36 are directed to an apparatus and a method for reproducing AV data in an interactive mode using a markup document. The Examiner has not cited any references to show any necessity for requiring restriction, and, in fact, it is believed that the Examiner would find references containing medium, apparatus, and method claims in the same field of technology.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that claims 14-36 be examined on the merits.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 1-3 and 5-7 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa et al. (Kanazawa) (U.S. Patent No. 6,580,870) cited by the previous Examiner in the Office Action of June 5, 2007, in view of Jones et al. (Jones) (U.S. Patent Application Publication No. 2003/00220984) cited by the previous Examiner in the Office Action of December 23, 2008, and Lamkin et al. (Lamkin '021) (U.S. Patent No. 7,448,021) newly cited by the Examiner in the Office Action of July 23, 2009. The rejection of claim 3 is moot since claim 2 has been has been canceled in this Amendment. The rejection of claims 1, 3, and 5-7 is respectfully traversed.

Claim 1

Feature 1

It is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the combination of the following features now recited in independent claim 1:

> 1. A computer-readable storage medium usable with an apparatus comprising a buffer, the computer-readable storage medium having recorded thereon:
>
> audio video (AV) data;
>
> a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV data in an interactive mode selected by a user of the apparatus, wherein the markup document does not comprise the AV data or any other AV data; and
>
> control information providing functionality to enable the apparatus to identify buffering state information of the markup document to be preloaded into the buffer of the apparatus, the buffering state information being used by the apparatus in reproducing the AV data in the interactive mode selected by the user;
>
> wherein:
>
> the control information comprises an application program interface (API) that generates a report signal used to identify a buffering state of the markup document; and
>
> the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, or whether the markup document is being read.

The Examiner considers Kanazawa to teach "the ability to identify the buffering state," but admits that Kanazawa does not teach "control information providing functionality to enable the apparatus to identify buffering state information of the markup document to be preloaded into the buffer of the apparatus" recited in claim 1. However, the Examiner considers paragraphs [0066] and [0068] of Jones to teach "the identification is enabled by control information providing functionality," and is of the opinion that it would have been obvious to modify Kanazawa to include this feature. However, the Examiner admits that "[a]lthough Jones discloses that the control information may be stored on computer-readable medium such as a DVD, Jones does not specifically disclose storing the control information on a computer-readable medium that also

includes AV data and a markup document." However, the Examiner considers column 6, lines 4-61, and column 8, lines 37-44, of Lamkin '021 to teach "a method for combining audio/video content with programmatic content (e.g. web pages) and software," and is of the opinion that it would have been obvious "to include control information as taught by Jones into the computer-readable medium (which includes AV data and markup documents) of Kanazawa."

However, it is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the feature "the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, or whether the markup document is being read" now recited in claim 1. Support for this feature can be found at least in paragraph [0082] of the specification and in the description of the [obj].isCached(URL, resType) API on pages 19 and 20 of the specification.

The Examiner has relied on column 15, lines 34-56, of Kanazawa, which includes the following statement in column 15, lines 46-48:

> If the same HTML contents have been cached in a hard disk, the HTML contents will be displayed on the screen without accessing the WWW server.

Thus, although this passage may arguably appear to indicate that Kanazawa's apparatus checks to see if the same HTML contents have been cached in the hard disk, it is submitted that nothing whatsoever in this passage discloses or suggest the feature "the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, or whether the markup document is being read" now recited in claim 1.

The Examiner has also relied on column 17, line 64, through column 18, line 23, of Kanazawa, which includes the following statements in column 18, lines 1-7:

> The DVD playback control program 116 receives the number of URLs to be read in advance from the server. If the number is not zero, the DVD playback control program 116 will receive the URL addresses and check to see if the HTML files corresponding to the URLs have already been cached in the image display apparatus (steps S404 to S407).

Thus, although this passage indicates that Kanazawa's apparatus checks to see if the HTML files corresponding to the URLs have already been cached in the image display apparatus, it is submitted that nothing whatsoever in this passage discloses or suggest the feature "the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, or whether the markup document is being read" now recited in claim 1.

Furthermore, it is submitted that the feature "the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, or whether the markup document is being read" now recited in claim 1 is not disclosed or suggested in any other portion of Kanazawa, or in Jones or Lamkin '021.

Feature 2

It is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following feature of claim 1:

> a markup document to be preloaded into the buffer of the apparatus.

The Examiner states as follows:

> As to claim 1, Kanazawa teaches a computer-readable storage medium used with an apparatus comprising a buffer (abstract; col. 14 lines 40 – 54), the computer-readable storage medium having recorded thereon:
>
> audio video (AV) data (abstract);
>
> a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV data in an interactive mode selected by a user of the apparatus, wherein the markup document does not comprise the AV data or any other AV data (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

The HTML file shown in FIG. 16 of Kanazawa that is obtained by the WWW browser 117 from the WWW server via the ISDN card or modem 100 is an example of the "HTML contents" referred to in column 15, lines 34-56; column 17, lines 31-38; and column 20, lines 18-22 of Kanazawa relied on by the Examiner. The Examiner apparently considers this HTML file to be a

"markup document" as recited in claim 1. The buffer in column 14, lines 40-54, of Kanazawa referred to by the Examiner is the FIFO buffer that is part of the DVD decoder 112 shown in FIG. 17 of Kanazawa. However, as can be seen from FIG. 16 of Kanazawa, in which the DVD decoder 112 in FIG. 17 is identified as "MPEG-2 decoder," the HTML file that is obtained by the WWW browser 117 from the WWW server via the ISDN card or modem 100 is not processed by the MPEG-2/DVD decoder 112, such that that this HTML file is not preloaded in the FIFO buffer of the MPEG-2/DVD decoder 112 as apparently alleged by the Examiner.

Accordingly, it is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest "a markup document to be preloaded into the buffer of the apparatus" as recited in claim 1 under the Examiner's current interpretation of Kanazawa in which the Examiner considers the FIFO buffer of the MPEG-2/DVD decoder 112 in FIGS. 16 and 17 of Kanazawa to be a "buffer" as recited in claim 1.

The above arguments were also presented on pages 16 and 17 of the Amendment of March 23, 2009, but the Examiner did not take note of these arguments and answer the substance of them in the Office Action of July 23, 2009, as required by MPEP 707.07(f).

Claim 3

It is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following feature of dependent claim 3:

> wherein the API comprises an [obj].isCached(URL, resType) API that generates the report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document.

The Examiner states as follows:

> As to claim 3, Kanazawa as modified (see rejections of claims 1 and 2) teaches the control information comprises an [obj].isCached(URL, resType) API that generates a report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document (Kanazawa: col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23 and Jones: ¶[66, 68). Kanazawa teaches determining whether an HTML filed has been chanced [*sic*] (steps S404 to S407; col. 17 line 64 – col. 18 line 23) but does not disclose the use of an API call. Jones discloses making an API

> call to determine whether a file is already located local to the client (paragraph 0068). The API call in Jones corresponds to the claimed isCached API and the URL and resType are interpreted as input parameters that are used to identify the markup document. The combination of Kanazawa and Jones would also include similar parameters in order to uniquely identify each HTML file.

However, although steps S404-S407 in FIG. 23B of Kanazawa and column 17, line 64, through column 18, line 23, of Kanazawa relied on by the Examiner disclose receiving URLs of HTML files to be cached, it is submitted that nothing whatsoever in these portions of Kanazawa can reasonably be considered to disclose or suggest an attribute of the HTML files as would be necessary for these portions of Kanazawa to arguably disclose or suggest the feature "the resType is a parameter indicating an attribute of the markup document" recited in claim 3. Furthermore, it is submitted that paragraphs [0066] and [0068] of Jones relied on by the Examiner do not disclose or suggest anything whatsoever that can reasonably be considered correspond to this feature of claim 3. Accordingly, it is submitted that there is no basis whatsoever in Kanazawa and Jones for the Examiner's statement that "[t]he API call in Jones corresponds to the claimed isCached API and the URL and resType are interpreted as input parameters that are used to identify the markup document."

Furthermore, it is submitted that there is no basis whatsoever in Kanazawa and Jones for the Examiner's statement that "[t]he combination of Kanazawa and Jones would also include similar parameters in order to uniquely identify each HTML file" because it appears that the HTML files disclosed in steps S404-S407 in FIG. 23B of Kanazawa and column 17, line 64, through column 18, line 23, of Kanazawa relied on by the Examiner are uniquely identified by their URLs alone.

Conclusion—Rejection 1

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 3, and 5-7 (i.e., claims 1 and 3 discussed above and claims 5-7 depending directly or indirectly from claim 1) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Lamkin '021 be withdrawn.

Rejection 2

Claims 10 and 11 have rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart (U.S. Patent Application Publication No. 2002/0088011) newly cited by the Examiner in the Office Action of July 23, 2009. This rejection is respectfully traversed.

Although the Examiner has referred to U.S. Patent Application Publication No. 2002/0088011 as "Collart," it is noted that Collart is the second-listed inventor. The first-listed inventor is Lamkin, and since the standard practice is to refer to a reference by the last name of the first-listed inventor, it is submitted that the Examiner should have referred to U.S. Patent Application Publication No. 2002/0088011 as "Lamkin '011" t(o distinguish it from Lamkin '021), rather than "Collart." However, since the Examiner has referred to this reference as "Collart," the applicants will also refer to this reference as "Collart."

Although the propriety of the rejection is not conceded, it is submitted that claims 10 and 11 are patentable over Kanazawa, Jones, Lamkin '021, and Collart for at least the same reasons discussed above that claim 1 from which claims 10 and 11 depend are patentable over Kanazawa, Jones, and Lamkin '021.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 10 and 11 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Attachments